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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,621	06/08/2001	Thomas Gassner	tesa AG 1500	5316

27384 7590 03/28/2003

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220 EAST 42ND STREET, 30TH FLOOR
NEW YORK, NY 10017

EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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	9

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. The reply filed on February 23, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): More particularly, applicants have not fully complied with the requirement set forth in paragraph No. 3 of Paper No. 5 requiring the assignee to state which entity is the prior inventor of the conflicting subject matter in each of the two applications referred to. Although it is noted that applicants have filed a Declaration of common ownership in their response of February 23rd stating that they are the owners of the invention set forth in Serial No. 09/518,463 (which has now been abandoned) they have failed to even mention which entity

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is the prior inventor of the conflicting subject matter in Serial No. 09/490,709. Additionally, although it is noted that claims 1-12 have been cancelled, this requirement is nevertheless not considered to be moot, particularly in light of applicants' statement on page 13 of their response of February 23rd, second complete paragraph wherein they state "a fair reading of the amended claims will reveal that the departures from the previous claims were for clarification purposes only, and that applicants did not narrow the claims in any material respect". Accordingly, the Examiner must hold applicants' reply to this issue not to have been fully responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicants are given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may be granted under 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from

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8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

March 27, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~
1700

Daniel Zinker